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SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

KEN LEE MICHAELIS,) No. 81-6710
)
Petitioner,)
)
v.)
) MOTION TO DISMISS
NEBRASKA STATE BAR ASSOCIATION,) OR AFFIRM
)
Respondent.)

COMES NOW the Nebraska State Bar Association, respondent and, as requested by the clerk of this court, respectfully moves the court to dismiss this appeal or affirm the opinion of the Supreme Court of the State of Nebraska for the following reasons:

1. The court should dismiss this action because it rests upon an adequate state ground, that being the authority of the Supreme Court of Nebraska to regulate the practice of law in the State of Nebraska, one of which methods is the adoption and enforcement of the Canons of Ethics as promulgated by the American Bar Association and adopted by the Supreme Court of Nebraska.

2. A further ground for dismissal is that said appeal does not present a substantial federal question and is so unsubstantial as to need no further argument.

3. The record is manifest that the appellant has made public statements, in no way relevant to a political campaign, in public newspapers and radio criticizing the Nebraska Supreme Court and other members of the Nebraska Bar Association in a manner that could do nothing but subject said members of the Nebraska legal profession and the court to public ridicule and contempt. The record shows such attacks were not made through legitimate channels with genuine concern to seek a remedy, a right no one would deny, but instead were made without warning in the public press and radio seriously injurying the objects of his attacks who were deprived of their rights without such basic safeguards as notice, statement of charges or hearing.

For the foregoing reasons, we respectfully contend that a brief reference to the record herein will readily reveal that this appeal is so frivolous and unsubstantial as to need no further argument.

Respectfully submitted,

NEBRASKA STATE BAR ASSOCIATION,
Respondent,

By PAUL L. DOUGLAS
Attorney General

By _____

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Member of the Supreme Court
of the United States

Attorneys for Respondent.

MKK/cmb/t14

IN THE SUPREME COURT OF THE UNITED STATES

KEN LEE MICHAELIS, Petitioner,	)	No. 81-6710
v.	)	PROOF OF SERVICE
NEBRASKA STATE BAR ASSOCIATION, Respondent.	)	

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

I, David Koukol, being first duly sworn, depose and state that a copy of the Motion to Dismiss or Affirm in the above-entitled case was served upon the petitioner by depositing said copy in the United States Mail, certified and return receipt postage prepaid, addressed to the petitioner, Ken L. Michaelis, Esq., 245 E. Church Street, West Point, Nebraska 68788.

Dated this 2nd day of September, 1982.

David Koukol
Affiant

Subscribed in my presence and sworn to before me this 2 day of September, 1982.

Karen J. Mica
Notary Public